

Applicant : Anatoli N. Verentchikov
Appln. No. : 10/520,871
Page : 9

REMARKS

In the Office Action, the Examiner set forth a restriction requirement in which two invention groups were identified. Invention Group I included claims 1-22 drawn to a tandem mass spectrometer including TOFs. Invention Group II included claims 23-45 drawn to a method of “MS-MS analysis.” Applicant hereby elects Group I, with traverse.

By this Preliminary Amendment, Applicant has canceled claims 1-45 without prejudice and has added new claims 46-84. These amendments are made to correct formatting problems noted in original claims 1-45. Similar amendments were made in the International stage of the PCT application, however, those amendments were not entered in the United States national stage. Because of the formatting issues, it was determined that it was easier to renumber the claims and submit them as new claims. Accordingly, Applicant respectfully submits that new claims 46-84 have not narrowed the scope of the invention from that originally presented in claims 1-45. Applicant further submits that no new matter has been introduced in the claims.

As noted above, Applicant respectfully traverses the restriction requirement set forth by the Examiner. Applicant respectfully submits that the method claim 23 presented in the original application has been changed by virtue of formatting such that the restriction requirement does not apply. In particular, original claim 23 had the separate steps numbered as if they belonged in separate claims 24-29 rather than forming the single independent claim 23. Furthermore, it is noted that in restricting Groups I and II, the Examiner merely stated that these inventions recited limitations not recited in the other invention and thus the differing limitations make the inventions patentably distinct from one another. However, these claims are related as product and process and thus the Examiner must apply the requirements for making a restriction requirement as required for product and process. For this reason, Applicant respectfully submits that the restriction requirement is improper and should be withdrawn.

Applicant : Anatoli N. Verentchikov
Appln. No. : 10/520,871
Page : 10

In view of the foregoing remarks, Applicant submits that the present application is in condition for allowance. A Notice of Allowance is therefore respectfully solicited.

Respectfully submitted,

July 10, 2006
Date

/Terry S. Callaghan/
Terry S. Callaghan, Registration No. 34 559
Price, Heneveld, Cooper, DeWitt & Litton, LLP
695 Kenmoor, S.E.
Post Office Box 2567
Grand Rapids, Michigan 49501
(616) 949-9610

TSC/rsw